

**REPORT OF THE COMMITTEE ON
PUBLIC INFRASTRUCTURE AND TECHNOLOGY**

Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;
Brandon J.C. Elefante, Heidi Tsuneyoshi

Committee Meeting Held

February 24, 2022

Honorable Tommy Waters
Council Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Infrastructure and Technology, which considered Resolution 22-16 entitled:

"RESOLUTION ACCEPTING OWNERSHIP OF THAT PORTION OF PAMOA ROAD BETWEEN KOLOWALU STREET AND HIPAWAI PLACE, DEEMED TO HAVE BEEN SURRENDERED TO THE CITY AND COUNTY OF HONOLULU BY THE STATE, PURSUANT TO AN ADMINISTRATIVE ORDER ISSUED BY THE STATE DIRECTOR OF TRANSPORTATION IN ACCORDANCE WITH ACT 208 (2017), CODIFIED AS HAWAII REVISSED STATUTES SECTION 264-21.,"

introduced on February 2, 2022, reports as follows:

The purpose of the resolution is to accept ownership of the portion of Pamoia Road between Kolowalu Street and Hipawai Place that is deemed to have been surrendered to the City and County of Honolulu ("City") by the State of Hawai'i pursuant to the Administrative Order of the State Director of Transportation in accordance with Act 208 (2017), codified as Section 264-2.1, Hawai'i Revised Statutes ("HRS").

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 40

**REPORT OF THE COMMITTEE ON
PUBLIC INFRASTRUCTURE AND TECHNOLOGY**

Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;
Brandon J.C. Elefante, Heidi Tsuneyoshi

Committee Meeting Held
February 24, 2022
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Rodger Morton, Director of the Department of Transportation Services ("DTS"), expressed concern regarding the acceptance of a road that is not City-owned pursuant to the disputed roadways process set forth in HRS Section 264-2.1. DTS submitted written testimony (see Departmental Communication 113 (2022)) that outlined DTS concerns and attached a proposed CD1 version of the resolution to address legal issues relating to portions of the private road and drainage system. Director Morton also indicated that Lot 106-B is owned by the State of Hawai'i and that HRS Section 264-2.1 does not confer on the State the authority to convey State-owned property to the City.

Kathleen Mitchell of the Honolulu Board of Water Supply ("BWS") offered a proposed amendment to the resolution (see Department Communication 126 (2022)) that recognizes the Board of Water Supply's ownership of existing infrastructure within Pamoia Road. Ms. Mitchell stated that the BWS would subsequently seek an easement for BWS infrastructure located in Lot 106-B.

Your Committee considered a proposed hand-carried CD1 (OCS 2022-0143/2/23/2022 12:14 PM) that proposed the following:

- A. Adds WHEREAS clauses to clarify that the State Director of Transportation may only surrender "disputed roads" as defined in HRS Section 264-2.1, and that HRS Section 264-2.1 does not authorize the surrender of either land owned by the State of Hawai'i or privately owned storm drains.
- B. Adds WHEREAS clauses to clarify that the property subject to this resolution includes both land owned by the State and a private storm drain system.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 40

**REPORT OF THE COMMITTEE ON
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Committee Meeting Held
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- C. Clarifies that this resolution applies only to the "disputed road" as described in the resolution and does not include the land owned by the State or the private storm drain within the subject portion of Pamoia Road.
- D. Attaches Pamoia Road Administrative Order Pursuant to Act 208 (2017) and its supporting documents to the resolution.
- E. Makes miscellaneous technical and nonsubstantive amendments.

After discussion and consideration, your Committee further amended the hand-carried CD1 to include the proposed amendment offered by the Board of Water Supply that:

Adds a new penultimate WHEREAS clause stating that the Board of Water Supply has waterlines, fire hydrants, water meters, and appurtenances located within the subject portion of Pamoia Road.

Your Committee on Public Infrastructure and Technology is in accord with the intent and purpose of Resolution 22-16, as amended herein, and recommends its adoption in the form attached hereto as Resolution 22-16, CD1. (Ayes: Elefante, Fukunaga, Tsuneyoshi - 3; Noes: None; Excused: Tupola - 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 40



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAIINo. 22-16, CD1

RESOLUTION

ACCEPTING OWNERSHIP OF THAT PORTION OF PAMOA ROAD BETWEEN KOLOWALU STREET AND HIPAWAI PLACE, DEEMED TO HAVE BEEN SURRENDERED TO THE CITY AND COUNTY OF HONOLULU BY THE STATE, PURSUANT TO AN ADMINISTRATIVE ORDER ISSUED BY THE STATE DIRECTOR OF TRANSPORTATION IN ACCORDANCE WITH ACT 208 (2017), CODIFIED AS HAWAII REVISED STATUTES SECTION 264-2.1.

WHEREAS, by Act 208 (2017), codified as Hawaii Revised Statutes ("HRS") Section 264-2.1, the Legislature of the State of Hawai'i ("State") addressed problems stemming from unresolved disputes over the ownership of roads in any county with a population of five hundred thousand or more; and

WHEREAS, at the current population levels of the counties in the State, the provisions of Act 208 apply to the City and County of Honolulu ("City"); and

WHEREAS, Act 208 provides that, with respect to disputed roads within the defined county, if no party has exercised ownership over a disputed road in the five years prior to July 1, 2017, the disputed road shall be deemed to have been surrendered to the county in which the road is situated, pursuant to an administrative order issued by the State Director of Transportation ("Director"), and that the county shall accept, without exercise of discretion, all surrendered roads and shall record its ownership immediately with the State Bureau of Conveyances; and

WHEREAS, on September 28, 2021, the Director issued the *Pamoa Road Administrative Order Pursuant to Act 208 (2017)* (the "Administrative Order") attached hereto, acknowledging that:

- 1) The portion of Pamoa Road between Kolowalu Street and Hipawai Place, as depicted on the tax map attached hereto as Exhibit A and incorporated herein by reference, and Lot 106-B, as shown on Land Court Map 2 filed with Land Court Consolidation 2 (amended), a copy of which is attached hereto as Exhibit B and incorporated herein by reference (collectively, "the subject portion of Pamoa Road"), is a disputed road within the meaning of HRS Section 264-2.1; and
- 2) No party has exercised ownership over the subject portion of Pamoa Road in the five years prior to July 1, 2017; and



RESOLUTION

WHEREAS, the Administrative Order concludes and orders that the subject portion of Pamoia Road, as depicted in Exhibits A and B attached hereto, shall be deemed to have been surrendered to the City, and that, pursuant to HRS Section 264-2.1, the City shall record its ownership immediately with the State Bureau of Conveyances; and

WHEREAS, HRS Section 264-2.1 only authorizes the State Director of Transportation to surrender "disputed roads," as the term is defined under HRS Section 264-2.1(a) as "any highway, road, alley, street, way, lane, bikeway, bridge, or trail that is open to the public and is located in any county with a population of five hundred thousand or more, for which there is a dispute over ownership and jurisdiction, as determined by the department of transportation, between the State or any of its political subdivisions and a county or a private party, or between a county and a private party"; and

WHEREAS, HRS Section 264-2.1 does not authorize the surrender of either land owned by the State or privately owned storm drains; and

WHEREAS, the title report relied upon by the Director identifies the registered owner of Lot 106-B as the State; and

WHEREAS, the Administrative Order attempts to transfer State Owned Public Lands, specifically Lot 106-B; and

WHEREAS, the City's Department of Facility Maintenance has identified the existence of a private storm drain system within the subject portion of Pamoia Road; and

WHEREAS, the Board of Water Supply has waterlines, fire hydrants, water meters, and appurtenances located within the subject portion of Pamoia Road; and

WHEREAS, the City Council ("Council") finds that, in accordance with Act 208, the subject portion of Pamoia Road, as depicted in Exhibits A and B attached hereto, but only the portions that constitute a "disputed road" as defined in Act 208, exclusive of Lot 106-B and the private storm drain, is deemed to have been surrendered to the City pursuant to the Administrative Order issued by the Director, and that the City is required to accept the subject portion of Pamoia Road, without the exercise of discretion, and to record its ownership thereof immediately with the State Bureau of Conveyances; now, therefore,



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-16, CD1

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that it accepts ownership of the portion of Pamoia Road between Kolowalu Street and Hipawai Place that is deemed to have been surrendered to the City by the State pursuant to the Administrative Order of the State Director of Transportation in accordance with Act 208 (2017), codified as Hawaii Revised Statutes Section 264-2.1, and that is described hereinabove and depicted on the attached Exhibits A and B, which are incorporated herein, but only the portions that constitute a "disputed road" as defined by Act 208, exclusive of Lot 106-B and the private storm drain; and

BE IT FURTHER RESOLVED that the City Administration shall promptly record the City's ownership of the portion of Pamoia Road between Kolowalu Street and Hipawai Place with the State Bureau of Conveyances, but only the portions that constitute a "disputed road" as defined in Act 208, exclusive of Lot 106-B and the private storm drain; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-16, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Attorney General of the State of Hawai'i, the Director of the State Department of Transportation, the President of the Hawai'i State Senate, the Speaker of the Hawai'i State House of Representatives, the Mayor, the Managing Director, the Director of Transportation Services, the Chief Engineer of the Department of Facility Maintenance, and the Corporation Counsel.

INTRODUCED BY:

Calvin Say

DATE OF INTRODUCTION:

February 2, 2022
Honolulu, Hawai'i

Councilmembers

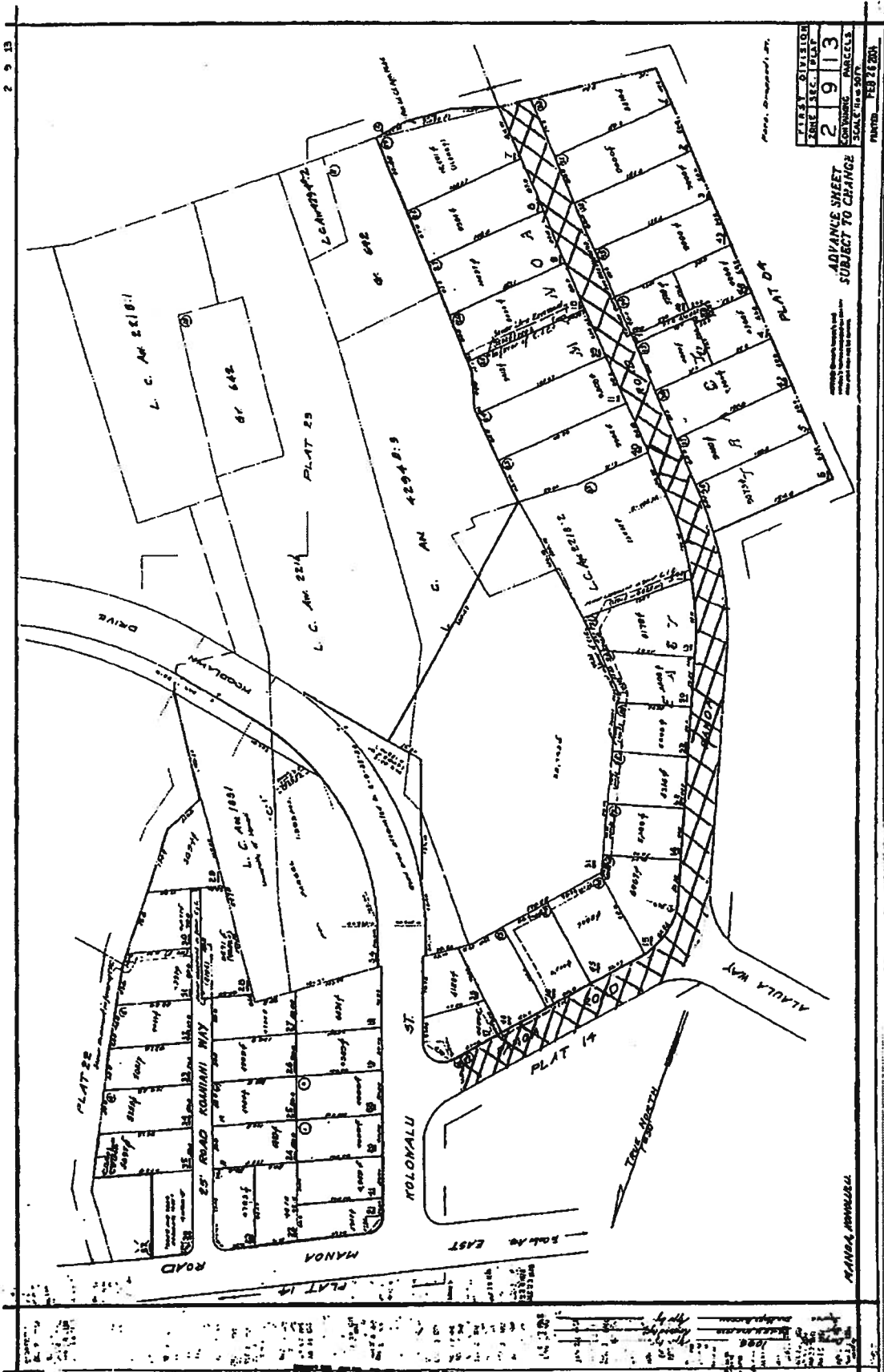
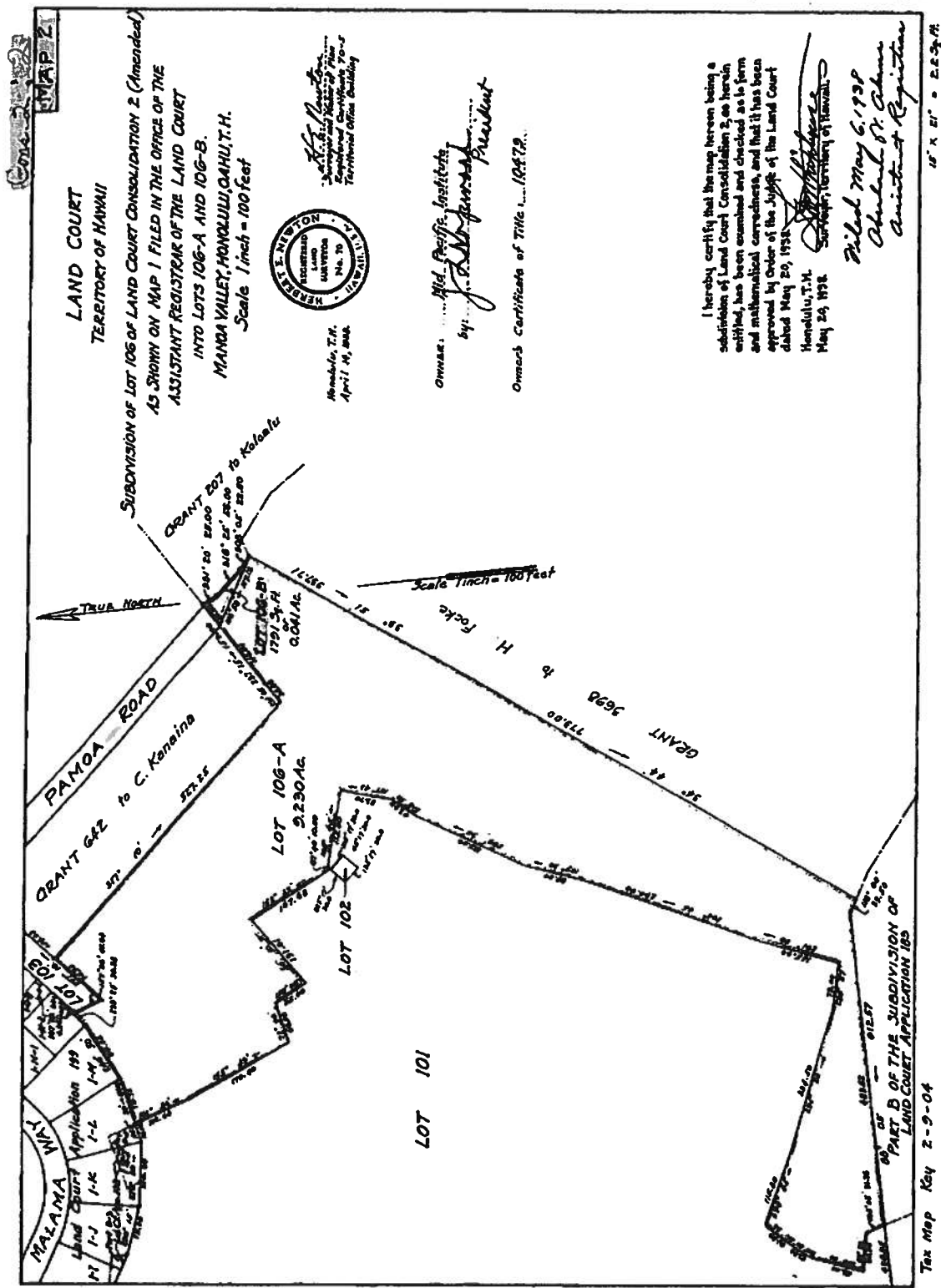


EXHIBIT A



PAMOA ROAD ADMINISTRATIVE ORDER

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

PAMOA ROAD ADMINISTRATIVE ORDER PURSUANT TO ACT 208 (2017)

INTRODUCTION

On February 16, 2021, the State of Hawaii, Department of Transportation (DOT), Highways Division, Right-of-Way Branch (ROW), received a letter from Chun Kerr LLP. The letter was written pursuant to Act 208, 2017 Hawaii Session Laws 730, codified as Hawaii Revised Statutes (HRS) §264-2.1. Chun Kerr LLP asked the DOT to "issue an administrative order that Pamoia Road is deemed a 'disputed road' within the meaning of §264-2.1, HRS and surrendered to the City and County of Honolulu".

This Administrative Order constitutes the Director's response pursuant to law.

LEGAL BACKGROUND

In 2017 the Legislature passed Act 208 (2017). The Act is codified as HRS §264-2.1. That section provides:

County highways; ownership. (a) As used in this section:

"Disputed road" means any highway, road, alley, street, way, lane, bikeway, bridge, or trail that is open to the public and is located in any county with a population of five hundred thousand or more, for which there is a dispute over ownership and jurisdiction, as determined by the department of transportation, between the State or any of its political subdivisions and a county or a private party, or between a county and a private party.

(b) If no party has exercised ownership over the disputed road in the five years prior to July 1, 2017, the disputed road shall be deemed to have been surrendered to the county in which the road is situated, pursuant to an administrative order issued by the state director of transportation. The county shall accept without exercise of discretion all surrendered roads and shall record its ownership immediately with the bureau of conveyances.

For purposes of this subsection, driving on a disputed road shall not, on its own, constitute an act of ownership."

The Act was intended to address problems stemming from unresolved disputes as to ownership of roads. The legislature believed that these unresolved disputes could lead to problems, especially when no one takes responsibility for road maintenance. ¹To address the problem, the Act 208 empowered the Director of the DOT to direct that a "disputed road" has been surrendered to a county. The Director may do so when the Director determines that "there is a dispute over ownership and jurisdiction" as to the road and that "no party has exercised ownership over the disputed road in the five years prior to July 1, 2017."

The DOT previously determined that inquiries pursuant to Act 208 are to be referred to the DOT's ROW and investigated by that branch with assistance from the Department of the Attorney General.

FACTUAL BACKGROUND

The February 16, 2021, letter from Chun Kerr LLP asks the Director to "issue an administrative order that Pamoia Road is deemed a 'disputed road' within the meaning of §264-2.1, HRS and surrendered to the City and County of Honolulu".

Subsequently, ROW requested Chun Kerr LLP to submit a title report for Pamoia Road. Chun Kerr LLP submitted a title report from Title Guaranty of Hawaii, LLC dated March 24, 2021. This title report was later updated on June 7, 2021, and for the purposes of this Administrative Order will hereinafter be referred to as the "Title Report" and is attached as "Exhibit A-1".

"Schedule A" of the Title Report states that Pamoia Road is vested with "THE HEIRS OR DEVISEES OF JUANITA J. VITOUSEK, DECEASED, as to an undivided ½ interest, THE HEIRS OR DEVISEES OF D.L. CRAWFORD, DECEASED, as to an undivided ½ interest, as Fee Owners. Pamoia Road is described within "Schedule C" of the title report as well as shown on the map attached to the Title Report as "Exhibit A".

Chun Kerr LLP also submitted the following information in regard to Land Court Lot 106B:

- 1) Land Court Maps 2 of Land Court Consolidation 2 (amended) which shows the subdivision of Lot 106 into Lots 106-A and 106-B.
- 2) Certificate of Title No. 35710 confirming that title to Lot 106-B is vested in the Territory of Hawaii (now the State of Hawaii).
- 3) Document 86310 in regard to Lot 106-B.
- 4) Land Court Map 1 filed with Land Court Application 1636, which shows that the triangular lot adjacent to Lot 106 which constitutes a portion of Pamoia Road was excluded from Land Court Application 1636;

1 The legislative purpose is discussed in uncodified section 1 of Act 208. This purpose section is not a substantive part of the statute and does not create rights that are not found within the operative statutory provisions. But the purpose section may be used to consider the legislative intent or purpose. Poe v. Haw. Labor Relations Bd., 97 Hawai'i 528,540,40 P.3d 930,942 (2002); Coon v. City & County of Honolulu, 98 Hawai'i 233,249 P.3d 348,364 (2002).

5) Land Court Map 1 filed with Land Court Application 1759 (amended), which shows the lower portion of Pamoia Road in the location of Lot 106-B and the triangular lot adjacent to Lot 106-B but does not depict or label the individual lots comprising the road; and

6) Tax Map for Zone 2, Section 9, Plat 4, which includes Pamoia Road and does not indicate that Pamoia Road is comprised of separate lots or that the road is in part privately owned.

ROW sent requests for information and for a statement of position to the City and County of Honolulu, Department of Facility Maintenance (the City). Their response letter dated June 16, 2021 is attached. The City responded that their records identify Pamoia Road as being from "Kolowalu Street to Hipawai Place in Manoa as a private road that the City has been providing surface maintenance pursuant to Chapter 14, Article 32 of Revised Ordinances of Honolulu, as amended ('ROH')."

The City also identified City and private storm drain lines along Pamoia Road. The letter stated that the private drain lines should remain in private ownership.

In closing the City stated, "Transfer of Pamoia Road to the City will require review and approval by the City Council."

ANALYSIS

ROW is not aware of any claims of ownership from the heirs or devisees of the aforementioned Juanita J. Vitousek or D.L. Crawford. However, it should be noted that ROW has not contacted or conducted searches for any heirs or devisees of the aforementioned previous owners, nor is HRS §264-2.1 specific as to whether or not such searches are necessary. Furthermore, it is not clear which agency currently owns Lot 106-B. The attached Deed does not specify the owner and our records do not indicate that Lot 106-B is owned or under jurisdiction of the DOT. However, it appears that Pamoia Road as described herein along with Lot 106-B appear to meet the qualification of HRS §264-2.1 as they both have not had any claims of ownership within the past five years and are in a County of over 500,000 people.

CONCLUSION AND ORDER

Pamoia Road as described in Exhibit "A-1" and Lot 106-B as shown on the attached Land Court Consolidation 2, Map 2 attached hereto is a disputed road as that term is used in HRS §264-2.1. No person, entity, or party has exercised ownership over the portions of Pamoia Road and Lot 106-B in the five years prior to July 1, 2017.

Therefore, Pamoia Road, as described above, shall be deemed to have been surrendered to the City and County of Honolulu, State of Hawaii, by and pursuant to this administrative order.

Pursuant to HRS §264-2.1, the City and County shall accept Pamoia Road and shall record its ownership immediately with the Bureau of Conveyances.



JADE T. BUTAY
Director of Transportation

Sep 28, 2021

Date

Attachments

PRELIMINARY REPORT
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, LLC and no liability will arise under this report.

SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

THE HEIRS OR DEVISEES OF
JUANITA J. VITOUSEK, DECEASED,
as to an undivided 1/2 interest,
THE HEIRS OR DEVISEES OF
D. L. CRAWFORD, DECEASED,
as to an undivided 1/2 interest,
as Fee Owners

This report is dated as of June 7, 2021 at 8:00 a.m.

Inquiries concerning this report should be directed to:

Title Officer - Jade Oda; Office: (808) 533-5667

Email: joda@tghawaii.com

Please reference Title Order No. 202105197.

EXHIBIT A-1

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (1) 2-9-013-_____ Area Assessed: _____

-NOTE:- land under search currently does not have a tax key number issued to it, upon issuance, please check with the Tax Assessor of the City and County of Honolulu for any real property taxes due and owing.

2. Mineral and water rights of any nature.

3. GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : February 19, 1965

RECORDED : Liber 4978 Page 550

GRANTING : an easement for a right-of-way for sewer purposes, being Parcel 6, being more particularly described therein

4. Rights of others who may have easement or access rights in the land described in Schedule C.

5. Administration of the Estate of JUANITA J. VITOUSEK, deceased.

-Note:- (A) JUANITA J. VITOUSEK died ON AUGUST 7, 1988, at Honolulu, Hawaii.

(B) PROBATE NO. 88-634 filed in the Circuit Court of the First Circuit, State of Hawaii, in the matter of the Estate of Juanita J. Vitousek, deceased.

SCHEDULE B CONTINUED

6. The files at the State of Hawaii, First Circuit Court are not available for our perusal. Matters which may be disclosed by a review of said files are excepted from this report.
7. Any unrecorded leases and matters arising from or affecting the same.
8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

-Note:- A current survey, with metes and bounds description, should be made of said premises.

END OF SCHEDULE B

SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 642 to Charles Kanaina and Royal Patent Number 3787, Land Commission Award Number 2218, Apana 2, to Kaawahua,) situate, lying and being at Pamoia, Manoa Valley, City and County of Honolulu, Island of Oahu, State of Hawaii, being a portion of Pamoia Road, as cross hatched on Map attached hereto, as Exhibit "A", bearing Tax Key designation (1) 2-9-013-____, and containing an area of _____, more or less.

BEING THE PREMISES ACQUIRED BY THE FOLLOWING:

1. By JUANITA J. VITOUSEK, by the Estate of R. A Vitousek, deceased, in Probate No. 14689, Circuit Court of the First Circuit, State of Hawaii, as to an undivided 1/2 interest.

2. By D. L. CRAWFORD, by DEED dated March 19, 1924, recorded in Liber 711 at Page 473, as to an undivided 1/2 interest.

END OF SCHEDULE C

GENERAL NOTES

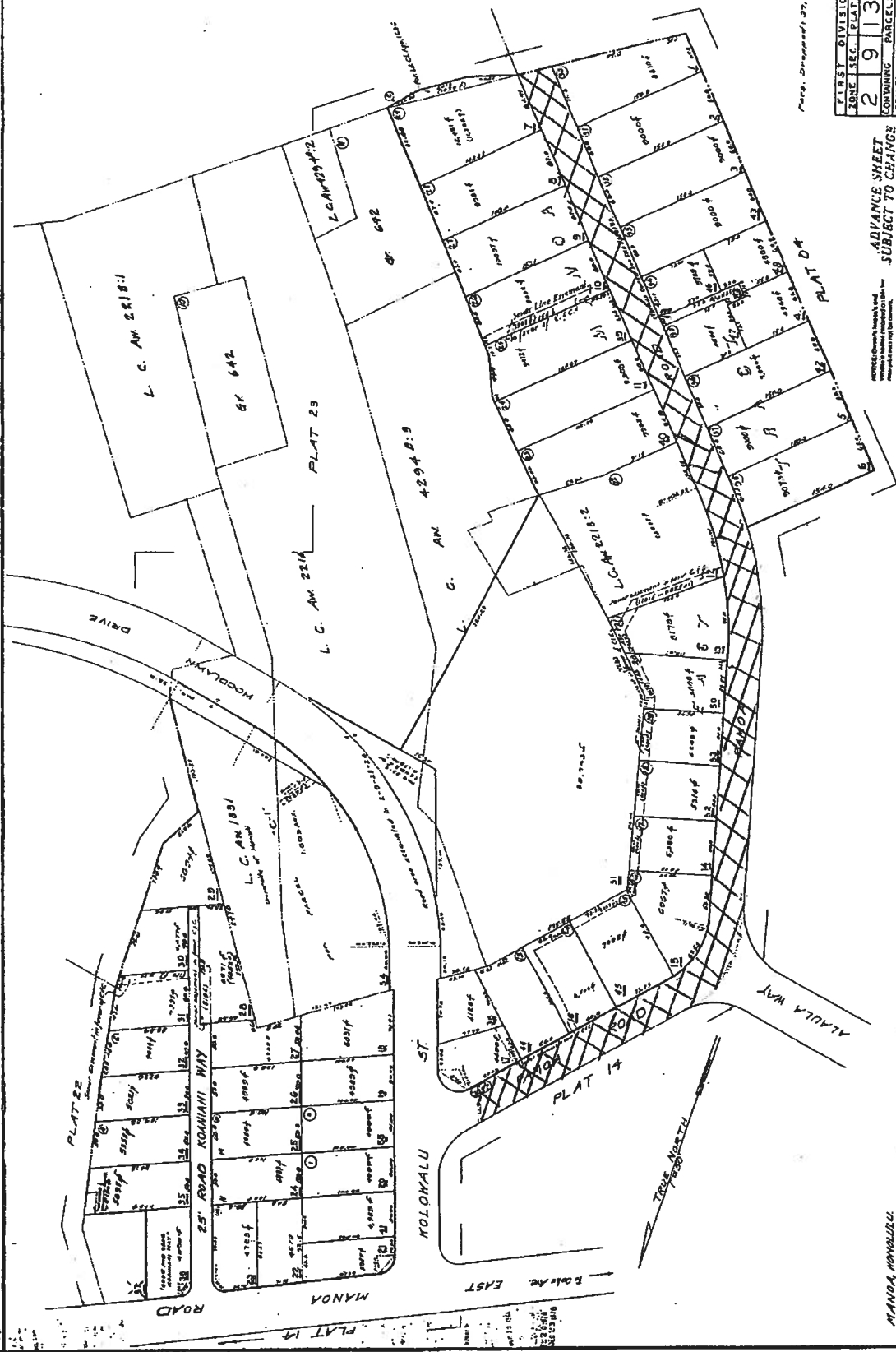
1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
- B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
- C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
- D. If the transaction involves a construction loan, the following is required:
 - (1) a letter confirming that there is no construction prior to recordation; or
 - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from the Company.

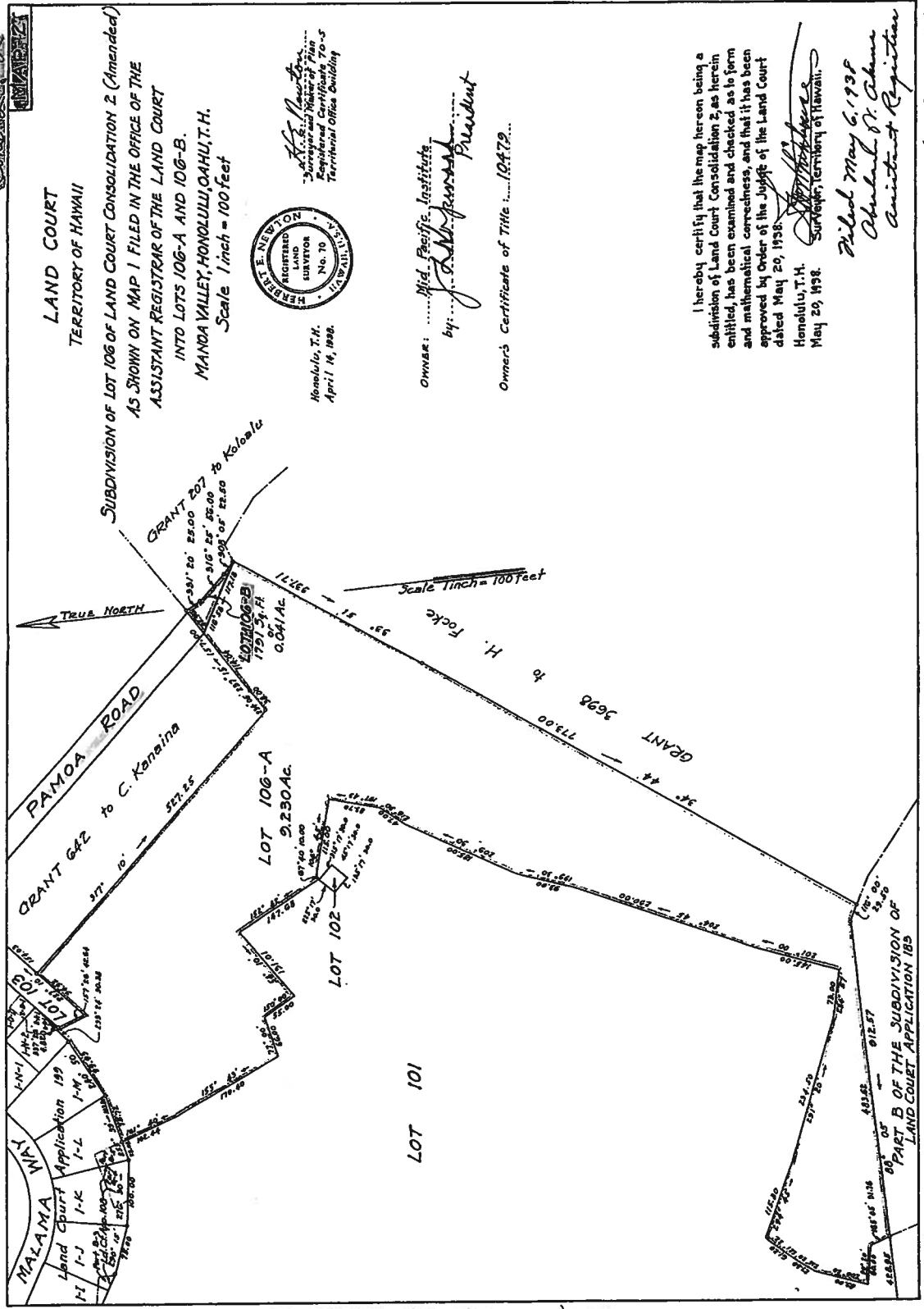
- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
- F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
- G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at www.tghawaii.com.
- H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.



ADVANCE SHEET
SUBJECT TO CHANGE

FIRST DIVISION	2
ZONE SEC. PLAT	913
CONVINCING SURVEYS	
SCALE 1" = 100'	
PRINTED	FEB 25 2004

EXHIBIT A



LAND COURT
TERRITORY OF HAWAII

SUBDIVISION OF LOT 106 OF LAND COURT CONSOLIDATION 2 (Amended)
AS SHOWN ON MAP 1 FILED IN THE OFFICE OF THE
ASSISTANT REGISTRAR OF THE LAND COURT
INTO LOTS 106-A AND 106-B.
MANDA VALLEY, HONOLULU, OAHU, T.H.
Scale 1 inch = 100 feet



H. E. Newton
Registered Land Director
No. 70
Territorial Office Building
Honolulu, T.H.
April 14, 1938.

Owner: Mid-Pacific Institute
by: *J. M. Pearson* President
Owner's Certificate of Title 10479...

I hereby certify that the map herein being a
subdivision of Land Court Consolidation 2, as herein
entitled, has been examined and checked as to form
and mathematical correctness, and that it has been
approved by Order of the Judge of the Land Court
dated May 20, 1938.
Honolulu, T.H.
May 20, 1938.

J. M. Pearson
Surveyor, Territory of Hawaii.
Filed May 6, 1938
Abraham J. Adams
Assistant Registrar

18" x 21" = 2.2 Sq. Ft.

Tax Map Key 2-9-04

STATE OF HAWAII CERTIFICATE OF TITLE

Certificate No: 35710

Issued:

Document No:

This Certificate is Pending Certification.
Approval and attestation of this Certificate by the Assistant Registrar is pending.
This Certificate is not complete and should not be relied upon as a final Certificate.
Transferred from Certificate #: 10479

I hereby certify that pursuant to Chapter 501 of the Hawaii Revised Statutes, the REGISTERED OWNER below is the owner in fee simple of the LAND described, subject, however to encumbrances mentioned in Section 501-82 of the Hawaii Revised Statutes and subject also to such exceptions, encumbrances, interests and entries as may appear under ENCUMBRANCES.

CONTRACT

Assistant Registrar

REGISTERED OWNER

-TERRITORY OF /HAWAII/-

LAND

Situate at Manoa Valley, Honolulu, Oahu

LOT 106-B, 1,791 square feet, Map 2,
Land Court Consolidation 2 of Mid-Pacific Institute

ENCUMBRANCES/MEMORIALS

<u>Lot/Unit or Int.(%)</u>	<u>Document #</u>	<u>Instrument</u>	<u>In Favor Of / Terms</u>
*****	No Memorials Entered	*****	*****

Certified

Hand 9/10
86310
DOCUMENT NO. _____

LAND COURT

OFFICE OF
ASSISTANT REGISTRAR

JUL 26 1946

RECEIVED FOR REGISTRATION
3 OCT 20 1946

NOTED ON CERTIFICATE No. *10,479*
105

IN REGISTRATION BOOK PAGE *327*

Oliver R. Orr
ASSISTANT REGISTRAR

TRANSFER OF CERTIFICATE OF TITLE ISSUED
AND TRANSFERRED TO

REGISTRATION BOOK *358* PAGE *37*

THIS CERTIFICATE IS *35710* OF
OFFICE OF THE ASSISTANT REGISTRAR
LAND COURT

SEE CERTIFICATE No. *35710*

DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, MID-PACIFIC INSTITUTE, an Hawaiian Eleemosynary Corporation, whose business and post office address is 2445 Kaala Avenue, Honolulu 5, City and County of Honolulu, Territory of Hawaii, hereinafter referred to as the "GRANTOR," for and in consideration of the payment to it made by the TERRITORY OF HAWAII, hereinafter referred to as the "GRANTEE," of the sum of THREE HUNDRED FIFTY-EIGHT AND 20/100 DOLLARS (\$358.20), the receipt whereof is hereby acknowledged, has granted and conveyed and by these presents does hereby grant and convey unto the said Grantee its successors and assigns all that certain parcel of land situate in Manoa Valley, Honolulu, Oahu, required by the Grantee for extension of Pāpōa Road, which parcel of land is more particularly described as follows:

All of Lot 106-B containing 1,791 square feet or 0.041 acre of the Subdivision of Lot 106 of Land Court Consolidation 2 (Amended), as shown on Map 2 approved May 20, 1938, covered by Certificate of Title No. 10479.

TO HAVE AND TO HOLD the said parcel of land hereinabove described and hereby granted and conveyed together with all the rights, easements, and appurtenances thereunto belonging and all the right, title, and interest of the said Grantor, whether at law or in equity, therein and thereto, unto the said Grantee, its successors and assigns, to its and their own use and behoof forever.

IN WITNESS WHEREOF, the said MID-PACIFIC INSTITUTE, the Grantor herein, has hereunto caused its corporate seal to

OFFICE OF THE
COMMISSIONER OF PUBLIC LANDS
HONOLULU, T. H.

be affixed and its corporate name to be signed by its proper
officers thereto duly authorized by its Board of Managers
this *seventeenth* day of *July* A. D. 1946.

MID-PACIFIC INSTITUTE

By *J. Leslie Dunstan*
J. LESLIE DUNSTAN
President

And *Alexander S. Atherton*
ALEXANDER S. ATHERTON
Assistant Treasurer

APPROVED AS TO FORM:

Phoda V. Lewis
Assistant Attorney General

TERRITORY OF HAWAII)
CITY AND COUNTY OF HONOLULU) ss

On this *17th* day of *July* A. D. 1946,
before me appeared J. LESLIE DUNSTAN and ALEXANDER S. ATHERTON,
to me personally known, who, being by me duly sworn did say
that they are the President and Assistant Treasurer, respectively,
of MID-PACIFIC INSTITUTE, an Hawaiian Corporation, and that the
seal affixed to said instrument is the corporate seal of said
corporation, and that the instrument was signed and sealed in
behalf of said corporation by authority of its Board of Managers,
and the said J. LESLIE DUNSTAN and ALEXANDER S. ATHERTON
acknowledged the foregoing instrument to be the free act and
deed of said corporation.

Arthur Livingston
Notary Public, First Judicial
Circuit, Territory of Hawaii

AAD/ao

NOTARY PUBLIC, FIRST JUDICIAL CIRCUIT
TERRITORY OF HAWAII
MY COMMISSION EXPIRES JUNE 30, 1949

LAND COURT

TERRITORY OF HAWAII

MAP AND DESCRIPTION WITH APPLICATION 1759 Amended

ST. FRANCIS CONVENT SCHOOL } APPLICANT
(an Hawaiian eleemosynary Corporation)LAND SITUATED AT THE EAST END OF PAMOA ROAD
AT KAUWALAA, MANOA, HONOLULU, OAHU, T.H.

Being the whole of Grant 3668 to H. Focke

Beginning at a spike in pavement at the North corner of this parcel of land, on the Easterly boundary of Pamoia Road, the coordinates of which referred to Government Survey Triangulation Station "Rocky Hill" being 3550.6 feet North and 4608.12 feet East, and running by azimuths measured clockwise from true South:

1. 300° 55' 6.29 feet along Grant 207 to a pipe;
2. 310° 15' 78.57 feet along Grant 207 to a pipe;
3. 325° 09' 141.78 feet along Grant 207 to a pipe;
4. 305° 30' 62.47 feet along Grant 207 to a pipe;
5. 300° 16' 139.08 feet along Grant 207 to a pipe;

From which point the 4th course of Grant 207 to a pipe, and distance to an old "x" cut in rock in Manoa Stream is 500.46 feet;

thence following down the middle of Manoa Stream, along Lot A-1-A-1 of Land Court Application 775 for the next five (5) courses the direct azimuths and distances between points in middle of said stream being:

6. 33° 20' 231.22 feet;
7. 32° 34' 157.30 feet;
8. 28° 41' 240.30 feet;
9. 37° 02' 273.50 feet;
10. 21° 38' 73.05 feet; thence,
11. 87° 40' 159.50 feet along Lot B-5 of Land Court Application 183 to a pipe; and passing over a "x" cut in rock at 1750 feet;
12. 118° 20' 107.00 feet along Lot B-5 of Land Court Application 183 to a pipe;
13. 90° 00' 21.00 feet along Lot B-5 of Land Court Application 183 to an "x" cut in set stone;
14. 129° 05' 173.00 feet along Lot B-5 of Land Court Application 183 to a pipe;
15. 116° 00' 44.50 feet along Lot B-1 of Land Court Application 183 to an "x" cut in concrete block;
16. 214° 44' 773.00 feet along Lot 106-A of Land Court Consolidation 2 to a pipe;
17. 213° 51' 337.71 feet along Lot 106-A of Land Court Consolidation 2 to a pipe;
18. 243° 16' 34.00 feet along the East end of Pamoia Road to the point of beginning and containing an area of 11.12 acres.

This description is from an actual survey on the ground made under the direct supervision of the undersigned between March 1, 1925 and November 17, 1925 and may be checked by the Territorial Surveyor with my Field Book No. 171, Calculation Folder No. 5421 and Working Sheet No. 5421.

233 Merchant Street
Honolulu, T.H.
June 23, 1926



R.M. TONILL CORPORATION
By *Macellina P. Tonnill*
Registered Professional Surveyor
Certificate Number 250

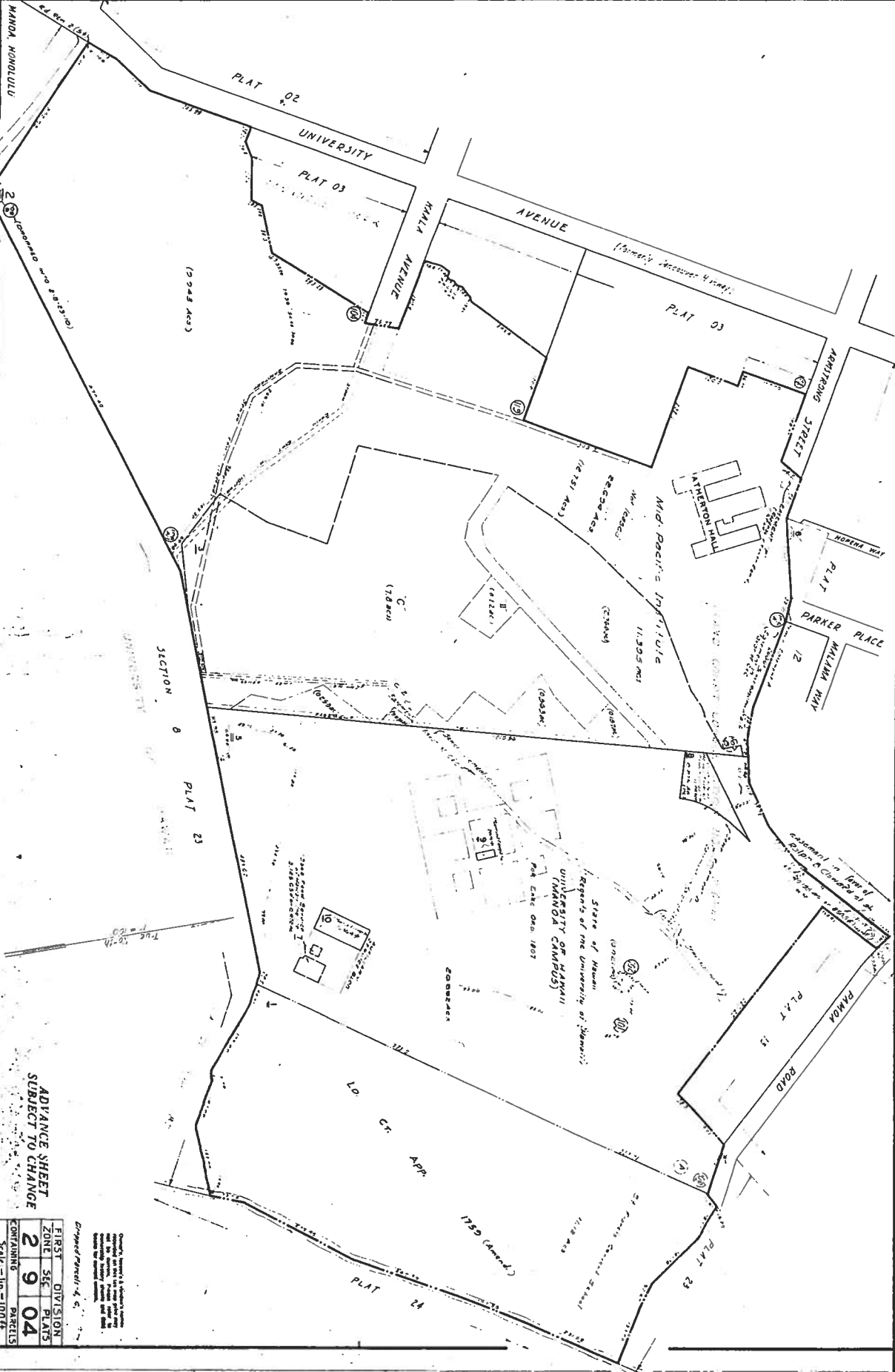
ST. FRANCIS CONVENT SCHOOL } APPLICANT
(an Hawaiian eleemosynary Corporation)
By *Francis M. Burns*
Attorney

Map amended by Order of the Judge *Marionette Henry*
of the Land Court dated August 5, 1929.
Honolulu, T.H.
183 August 5, 1929

James M. Burns
Surveyor, Territory of Hawaii

"I hereby certify that Decree of Registration dated November 24, 1929 and numbered 1842 has issued to St. Francis Convent School covering the land described herein and that Owner's Certificate of Title No. 78027 has been recorded in the Office of the Territorial Registrar of the Land Court."

James M. Burns
Surveyor, Territory of Hawaii
November 24, 1929



ADVANCE SHEET
SUBJECT TO CHANGE

FIRST	DIVISION
ZONE	SEC.
2	9
	04
CONTAINING	PARCELS
Scale - 1 in = 100 ft	

Chen's, however, is a window's expense reported on this list may prove very not be correct. Factors refer to essentially history events and trends leading to current events.

PRINTED MAR 22 1984

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulu'ohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

DIR 2590

RICK BLANGIARDI
MAYOR



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR AND CHIEF ENGINEER

DAWN B. SZEWCZYK, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DRM 21-336

June 16, 2021

Mr. Jade T. Butay, Director
State of Hawaii
Department of Transportation
Highways Division
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

DIRECTOR'S OFFICE
DEPT. OF
TRANSPORTATION
2021 JUN 21 A 9:01

Dear Mr. Butay:

Subject: Notice of Request for Directing Ownership of Pamoia Road to the
City and County of Honolulu, TMK: (1) 2-9-013: Road

We acknowledge your request to transfer Pamoia Road to the City and
County of Honolulu pursuant to Act 208 (2017), codified as Hawaii Revised Statute
§264-2.1.

Our records identify Pamoia Road from Kolowalu Street to Hipawai Place in
Manoa as a private road that the City has been providing surface maintenance
pursuant to Chapter 14, Article 32 of the Revised Ordinances of Honolulu, as
amended ("ROH").

We have identified City and private storm drain lines along Pamoia Road on
the attached map. The private storm drain system identified on the attached map
are not maintained by the City and County of Honolulu and should remain with the
private storm drain system owner.

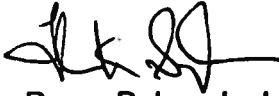
We have also identified sewer lines along Pamoia Road on the attached
map. The sewer system is under the jurisdiction of the Department of
Environmental Services (ENV).

Transfer of Pamoia Road to the City will require review and approval by the
City Council.

Mr. Jade T. Butay, Director
Page 2
June 16, 2021

If you have any questions, please call Mr. Kyle Oyasato of the Division of Road Maintenance at 768-3697.

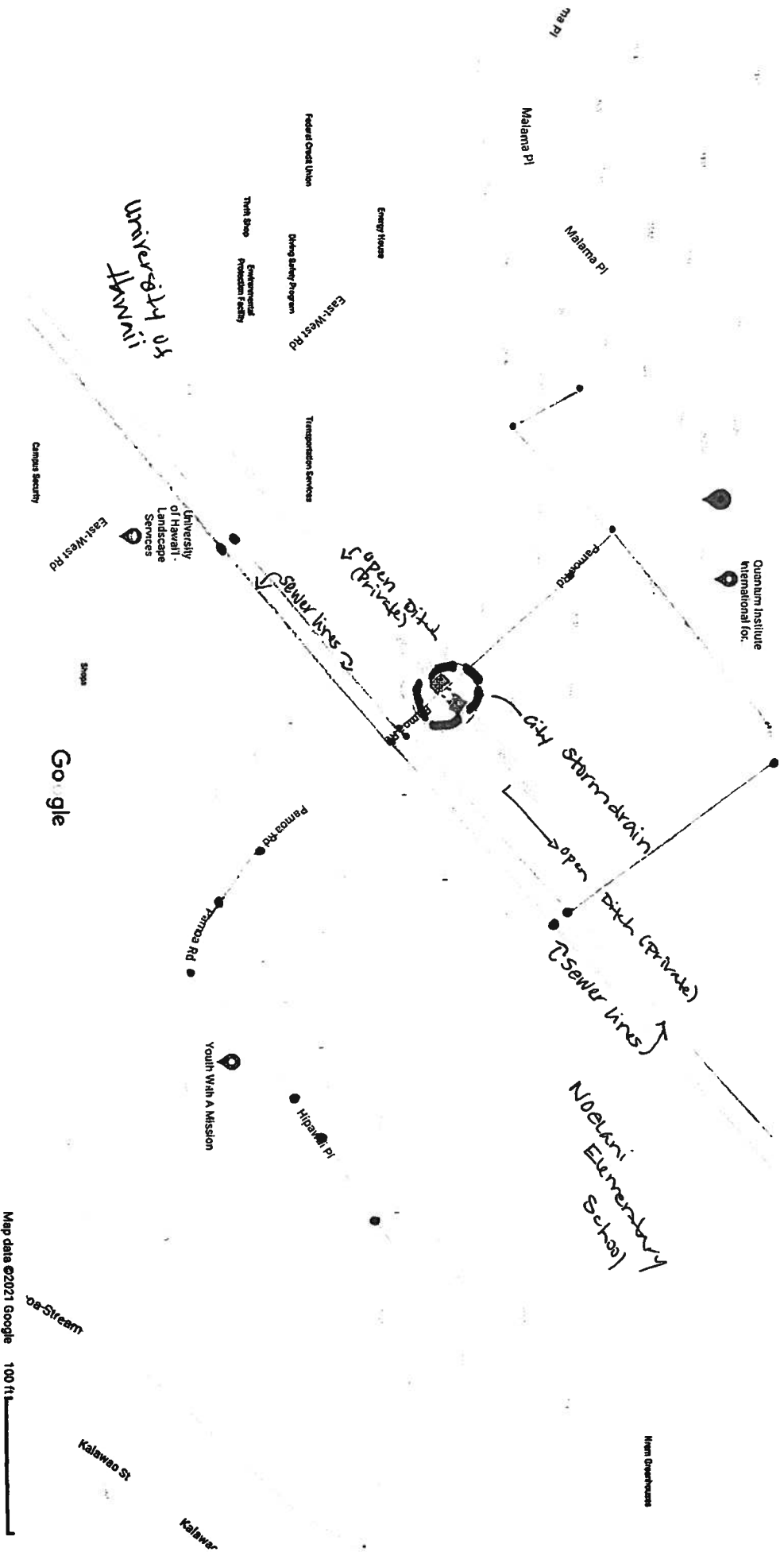
Sincerely,


for Roger Babcock, Jr., Ph.D., P.E.
Director and Chief Engineer

Attachments

cc: ENV
State of Hawaii, Highways Division, Right-of-Way Branch - Mr. Travis Tomono

Google Maps Pamoa Rd



Pamoa Rd - Google Maps

Google Maps Pamoia Rd

E Manoa Rd

- Sewer m/h
- sewer line
- City S/D catch basin
- Private storm drain line

